

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	Case No. 5:21-bk-00329
MARIA VICTORIA DIRI	:	Chapter 7
Debtor.	:	
	:	(Conway, J.)
	:	

JOINT STIPULATION OF THE PARTIES

AND Now the Parties, Debtor Maria Victoria Diri, through her attorneys, Cibik Law, P.C., and the United States of America, by its attorney, Gerard M. Karam, United States Attorney for the Middle District of Pennsylvania, hereby file this Joint Stipulation as follows:

1. Debtor initiated this Chapter 7 bankruptcy proceeding via Voluntary Proceeding filed February 19, 2021. (ECF Doc. 1.)
2. Pursuant to Fed. R. Bankr. P. 3004, the U.S. Trustee filed a proof of claim on behalf of the Department of Education in the amount of \$33,784.00 on August 9, 2021. (*See* Claim No. 7.)
3. On October 19, 2022, Debtor's estate was fully administered, and the case was closed. (ECF Doc. 54.)
4. On January 22, 2024, Debtor filed an application for payment of unclaimed funds in the amount of \$28,381.48. (ECF Doc. 67.)

5. On February 23, 2024, the Court denied Debtor's Petition for Payment of Unclaimed Funds after determining that Debtor was not entitled to those funds. (ECF Doc. 72.)

6. On May 3, 2024, Debtor filed a Motion to Reopen her Chapter 7 case. (ECF Doc. 78.)

7. In her Motion, Debtor acknowledged that the Department of Education was not served at its actual address for service of process. (*Id.*)

8. On May 14, 2024, the Court granted the Motion. (ECF Doc. 79.)

9. On May 25, 2024, Debtor filed an Objection to the Department of Education's proof of claim. (ECF Doc. 81.)

10. A Notice of Hearing was scheduled for July 25, 2024. (ECF Doc. 84.)

11. No appearance was entered on behalf of the Department of Education.

12. On July 26, 2024, this Court ordered the Department of Education to Appear and Show Cause as to the debt owed to the Department of Education by Debtor. (ECF Doc. 87.)

13. On August 8, 2024, the undersigned entered her appearance on behalf of the United States Department of Education. (ECF Doc. 90.)

14. Debtor does not dispute that she owes a debt to the Department of Education.

15. Debtor has agreed to permit the Department of Education to file an Amended Proof of Claim setting forth the amount owed by Debtor within thirty (30) days of the entry of the Court's Order approving the instant stipulation.

16. Within 14 days of filing the Amended Proof of Claim, the United States will file a Motion for Payment of the Unclaimed Funds seeking that the \$28,381.48 of unclaimed funds can be disbursed and applied to Debtor's student loan balance.

WHEREFORE, the parties respectfully request that the Court enter an order approving this stipulation.

Respectfully Submitted,

<p>CIBIK LAW, P.C. <i>Counsel for Debtor</i> By: <u>E.J. Gruber</u> E.J. Gruber (#334339) 1500 Walnut Street, Suite 900 Philadelphia, PA 19102 215-735-1060 ej.gruber@cibiklaw.com</p>	<p>GERARD M. KARAM United States Attorney <u>s/ Ryann D. Loftus</u> RYANN D. LOFTUS Assistant United States Attorney Attorney I.D. No. 319379 235 N. Washington Street Scranton, PA 18503 (570) 348-2800 Ryann.Loftus@usdoj.gov</p>
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Dated: September 18, 2024

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	:	(Conway, J.)
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ORDER

AND NOW, this _____ day of _____, 2024, it is hereby ORDERED that the Joint Stipulation entered into between the Debtor and the Department of Education is APPROVED. IT IS FURTHER ORDERED that the Department of Education shall file an Amended Proof of Claim within 30 days of entry of this Order and any relate motion within 14 days thereafter.